

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AIMEE LYNN O'NEIL,

Plaintiff,

vs.

STATE OF NEW YORK,

Defendant.

Case No.: 2:20-cv-00878-GMN-VCF

**ORDER**

Pending before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Cam Ferenbach, (ECF No. 15), which recommends that the case be dismissed.<sup>1</sup> Specifically, the R&R recommends that Plaintiff’s Amended Complaints, (ECF Nos. 10 and 11) be dismissed with prejudice and further recommends that Plaintiff’s Motion for Temporary Restraining Order, (ECF No. 5), Motion for Preliminary Injunction, (ECF No. 6), Motion for Entry of Clerk’s Default Judgment, (ECF No. 7), and Motions for Summary Judgment, (ECF Nos. 12 and 13) all be denied.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an

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<sup>1</sup> On December 10, 2020, Plaintiff filed a Notice of Appeal as to the R&R. (*See* Notice of Appeal, ECF No. 16). R&Rs are not appealable as they are not final orders. *See Burnside v. Jacquez*, 731 F.3d 874, 875 (9th Cir. 2013) (“A notice of appeal from a magistrate judge’s report and recommendation is ineffective.”). To the extent the Court can construe the notice as an Objection, Plaintiff fails to specifically object to any deficiencies of the R&R. The Court thus adopts the R&R.

1 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized  
2 that a district court is not required to review a magistrate judge’s report and recommendation  
3 where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114,  
4 1122 (9th Cir. 2003).

5 Here, no objections were filed, and the deadline to do so, November 30, 2020, has  
6 passed. (*See* Report and Recommendation, ECF No. 15).

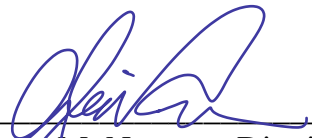
7 Accordingly,

8 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 15), is  
9 **ACCEPTED AND ADOPTED in full**.

10 **IT IS FURTHER ORDERED** that the case is **DISMISSED without prejudice** and  
11 Plaintiff’s Motion for Temporary Restraining Order, (ECF No. 5), Motion for Preliminary  
12 Injunction, (ECF No. 6), Motion for Entry of Clerk’s Default Judgment, (ECF No. 7), and  
13 Motions for Summary Judgment, (ECF Nos. 12 and 13) are **DENIED as moot**.

14 The Clerk of Court shall close the case and enter judgment accordingly.

15 **DATED** this 14 day of December, 2020.

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20 Gloria M. Navarro, District Judge  
21 United States District Court  
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